STATUTORY RULES OF NORTHERN IRELAND

2005 No. 367

EDUCATION

The Education Student Fees (Approved Plans) Regulations (Northern Ireland) 2005

Made - - - - 3rd August 2005
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 1st September 2005

The Department for Employment and Learning, in exercise of the powers conferred on it by Articles 6(2) and (4), 7(4), 8(2) and (4), 9(3), 10(a) to (e) and 14(4) of the Higher Education (Northern Ireland) Order 2005(**1**)and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education Student Fees (Approved Plans) Regulations (Northern Ireland) 2005 and shall come into operation on 1st September 2005.

Interpretation

2. In these Regulations—

"the 2005 Order " means the Higher Education (Northern Ireland) Order 2005.

Content of approved plans

3. A plan must include provisions requiring the governing body of the institution to do the following—

(a) to take, or secure the taking of, the measures set out in the plan in order to attract an increased number of applications from prospective students who are members of groups which, at the time when the plan is approved, are under-represented in higher education;

(b) to provide, or secure the provision of, bursaries and other forms of financial assistance set out in the plan to students undertaking a course at the institution;

(**1**) S.I. 2005/1116 (N.I.5)*See* Article 2(2) for definitions of "prescribed" and "regulations"

(c) to make the arrangements set out in the plan to make available to students, undertaking a course at the institution and prospective students wishing to undertake such a course, information about financial assistance available to them from any source;

(d) to make the arrangements set out in the plan to inform any prospective student before he commits himself to undertake a course at the institution of the aggregate amount of fees that the institution will charge for the completion of the course;

(e) to monitor the manner set out in the plan its compliance with the provisions of the plan and its progress in achieving its objectives set out in the plan by virtue of regulation 4; and

(f) to provide the Department with such information as it may reasonably require from time to time.

4. A plan must set out the objectives of the institution, determined by its governing body, relating to the promotion of equality of opportunity in connection with access to higher education.

Approval of plans

5. Where the governing body of an institution applies to the Department for approval of a proposed plan, the following procedure applies—

(a) the Department must inform the governing body within a reasonable time whether it approves the plan or whether it is minded not to approve the plan, giving reasons in the latter case;

(b) where the Department informs the governing body under sub-paragraph (a) that it is minded not to approve the plan, the governing body may, within a reasonable time, do either or both of the following—

(i) make representations as to why the Department should approve the plan; or

(ii) modify the plan.

(c) where the governing body acts in accordance with sub-paragraph (b), the Department must within a reasonable time consider the representations or modifications (or both) to the plan and, having considered them, inform the governing body whether or not it approves the plan;

(d) where the governing body does not act in accordance with sub-paragraph (b) within a reasonable time, the Department must, within a further reasonable time, inform the governing body whether or not it approves the plan.

6. Where the Department has approved a plan, the institution must publish it in a manner which makes it conveniently accessible to students and prospective students.

Duration of plans

7. The maximum period of time during which a plan may be in force is five years.

Variation of plans

8. The governing body may at any time within the period during which an approved plan is in force apply to the Department for approval of a variation of the plan. Where the governing body does so, the procedure to be followed shall be as set out in regulations 5 and 6, as if in those regulations all occurrences of the word “plan” were substituted by the word “variation”.